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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/347,473	07/02/1999	PHILIPPE HARSCOET	17201.707	3911

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EXAMINER

GUBIOTTI, MATTHEW P

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 07/30/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/347,473

Applicant(s)

HARSCOET, PHILIPPE

Examiner

Matthew Gubiotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-23 are pending in this Application.

Specification

2. In order to incorporate subject matter into this application by reference to the related application entitled "Method and System for Global Constant Management", the current U.S. Application Number must be updated in the present application. Appropriate correction is required.
3. The use of the trademark Java™ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

4. Claims 3, 5, 10, and 17 contains the trademark/trade name Java™. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35

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U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218

USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a specific, proprietary software programming language and platform. Accordingly, the identification/description is indefinite.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 14, 22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 14 recites the limitation "the larger indexes" in Line 2. There is insufficient antecedent basis for this limitation in the claim. The Examiner has further treated the

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claim below, interpreting the limitation as reading "The computer system of claim 13".

8. Claim 22 recites the limitation "the larger indexes" in Line 2. There is insufficient antecedent basis for this limitation in the claim. The Examiner has further treated the claim below, interpreting the limitation as reading "The computer system of claim 21".

9. Claim 23 recites the limitation "the logic" in Line 1. Claim 16, upon which the present claim depends, recites both a "first logic" and a "second logic". The present of multiple interpretations of the term render the claim indefinite. The Examiner has further treated the claim below, interpreting the limitation as reading "the first and second logic".

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United

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States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tock (U.S. Pat. No. 5,815,718) (hereafter Tock).

Claims 1-6

Tock teaches a method substantially as claimed for loading Java™ classes from a set of Java™ classes as needed at run-time (See Abstract; col.1, li.41-46; col.5, li.13-15), comprising:

"receiving a data structure..." Tock teaches receiving a Java™ class from memory, wherein the class includes one or more Java™ method and a constant pool (col.5, li.15-17) (See also col.3, li.32-39) (discussing the composition of the Java™ classes);

"storing instruction from the data structure..." Tock further teaches storing instructions from a Java™ class in a portion of memory comprising random-access memory (RAM) (col.5, li.21-23, 26-29);

"storing constants from the data structure..." Tock further teaches storing a pool of constants for a set of classes without duplication in memory (col.5, li.38-40; col.6, li.11-20)

"modifying indexes in instructions..." Tock further teaches updates indexes to instructions that reference constants to

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correspond to the respective locations of the constants in memory (col.6, li.20-26); and

"reading and executing..." Tock further teaches reading and executing some instructions from the class from the RAM (col.2, li.50-55).

Claim 7

Tock further teaches receiving the data structure from a server over the Internet (col.2, li.55-62).

Claim 8

Tock further teaches wherein modifying indexes in instructions included replacing respective indexes with larger indexes and calculating addresses associated with branch instructions (col.6, li.22-32).

Claim 9

See rejection of Claims 1, 2, and 4 above.

Claim 10

See rejection of Claim 3 above.

Claim 11

See rejection of Claim 1 above.

Claim 12

See rejection of Claim 7 above.

Claim 13

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See rejection of Claim 8 above.

Claim 14

Tock further teaches wherein the respective indexes comprise 8-bits and the larger indexes comprise 16-bits (col.6, li.22-32).

Claim 15

Tock further teaches wherein the constants comprise strings (col.6, li.9-12).

Claim 16

This claim represents the system executing the method disclosed in Claims 1, 2 and 4. It is rejected for the reasons stated above, with the system referenced as follows (col.3, li.53 to col.4, li.45; fig.1).

Claim 17

This claim represents the system executing the method disclosed in Claim 3. It is rejected for the reasons stated above, with the system referenced as follows (col.3, li.53 to col.4, li.45; fig.1).

Claim 18

This claim represents the system executing the method disclosed in Claim 6. It is rejected for the reasons stated

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above, with the system referenced as follows (col.3, li.53 to col.4, li.45; fig.1).

Claim 19

This claim represents the system executing the method disclosed in Claim 1. It is rejected for the reasons stated above, with the system referenced as follows (col.3, li.53 to col.4, li.45; fig.1).

Claim 20

This claim represents the system executing the method disclosed in Claim 7. It is rejected for the reasons stated above, with the system referenced as follows (col.3, li.53 to col.4, li.45; fig.1).

Claim 21

This claim represents the system executing the method disclosed in Claim 8. It is rejected for the reasons stated above, with the system referenced as follows (col.3, li.53 to col.4, li.45; fig.1).

Claim 22

This claim represents the system executing the method disclosed in Claim 14. It is rejected for the reasons stated above, with the system referenced as follows (col.3, li.53 to col.4, li.45; fig.1).

Claim 23

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This claim represents the system executing the method disclosed in Claim 1. It is rejected for the reasons stated above, with the system referenced as follows (col.3, li.53 to col.4, li.45; fig.1).

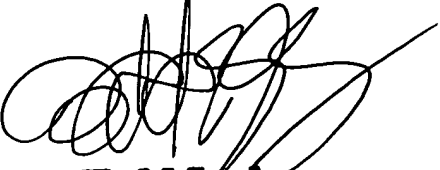
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG
July 25, 2003



Todd Ingberg
Primary Examiner
Group 2100